

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 1 and 10 have been amended to recite that the screw segments have the same sectional shape as the kneading rotor, except for the crest portions. Basis for this can be found at page 9, lines 8-9.

Applicant wishes to thank Examiner Sorkin for the courtesy of an interview on July 2, 2003, at which time the outstanding rejection was discussed, as were the amended claims. No agreement was reached at that time.

Claims 1-3, 5, 6, and 8-11 were again rejected under 35 U.S.C. § 102 as being anticipated by the U.S. patent to Inoue et al '593, while Claim 7 was rejected as being obvious over the same reference. Applicant had previously pointed out that Inoue et al fails to disclose the claimed feature that the screw segment has the same sectional shape as the rotor segment, except at the crest portions. Specifically, Applicant had pointed out that the sectional shape of the screw portion 1a of Inoue et al is different from that of the rotor portion 1b. The Examiner had thus compared the shape of two rotor segments, and had not compared a screw segment with a rotor segment as recited in the claims. The shape identity for two rotor segments 1b of Inoue et al has no bearing on the claims of the present application, and so the claims define over Inoue et al.

In reply, the Examiner took the position that:

The Examiner does not consider that terms "rotor segment" and "screw segment" are mutually exclusive. Generally, the Examiner considers that a "rotor segment" is a segment intended to be rotated and a "screw segment" is a segment having generally helical features. While the

reference refers to 1b as a “rotor segment”, it clearly states that it includes blades “formed spirally” . . . If a segment has blades “formed spirally”, why should it not be considered a “screw segment”? (Office Action, paragraph 7).

During the interview, the Examiner took the same position; i.e., there is no structural distinction between a kneading rotor segment and a screw segment, and so portion 1b of Inoue et al comprises both a screw segment and a kneading rotor segment. Since one kneading rotor segment 1b has the same shape as another kneading rotor segment 1b, according to the Examiner’s reasoning, and since either of the kneading rotor segments 1b can also be considered a “screw segment”, the claim recitation of a screw segment having the same sectional shape as at least one kneading rotor is taught by Inoue et al. Applicant respectfully submits, however, that the Examiner’s position is improper because it is not consistent with the requirement that the Examiner adopt the broadest reasonable interpretation of the claims.

The Examiner is, of course, entitled to give each of the claim terms its broadest reasonable interpretation. However, this simply means that the claims must be given their plain meaning *as understood by those skilled in the art*. MPEP § 2111.01. Applicant is therefore at this time submitting the expert declaration of Kimio Inoue, who is familiar with the manner in which those skilled of the art of plastic kneaders/extruders would interpret the terms “rotor segment” and “screw segment.” As set forth in the Inoue declaration, the term “rotor segment” is a term of art, as is the term “screw segment.” Mr. Inoue also states that “while a rotor segment may axially advance the plastic material during the kneading thereof, and may have a spiral configuration, in light of the well understood functional and structural

distinction in the art between rotor segments and screw segments, those skilled in the art would not identify an element designed and used as a rotor segment in an extruder as a ‘screw segment.’”

Applicant respectfully submits that the Inoue declaration provides clear evidence that the broadest reasonable interpretation or “plain meaning” of “screw segment” excludes a rotor segment. Therefore Examiner cannot properly identify a kneading element of a reference as being both a kneading rotor and a screw.

Inoue et al identifies the rotor segment 1b as a segment “which kneads the material to be kneaded” (column 5, lines 9-12). On the other hand, Inoue et al there separately defines the screw segments as segments 1a. Since those skilled in the art would not consider the kneading rotor segments 1b as a “screw segment” (see Inoue declaration) and since Inoue et al itself makes a distinction between a kneading segment and a screw segment, it is clearly outside of the permissible “broadest reasonable interpretation” for the Examiner to interpret the kneader segment 1b of Inoue et al to be a screw segment.

Absent the ability to identify the kneader segment 1b of Inoue et al as both a kneading rotor and a screw segment, there is no basis for alleging that Inoue et al discloses a screw segment having the same sectional shape as a kneading rotor (except at the tips), for the reasons set forth above and in earlier responses. Applicant therefore respectfully submits that the claims clearly define over this reference.

Concerning the rejection under 35 U.S.C. § 112, as was also discussed during the interview, Applicant respectfully submits that Claim 1 clearly and unambiguously recites a

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screw set located in a twin screw extruder, and so is not indefinite under 35 U.S.C. § 112, second paragraph.

Applicant therefore believes that the present application is in a condition for allowance, and respectfully solicits an early Notice of Allowability.

Respectfully submitted,

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